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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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FAY SHARPE/LUCENT
1100 SUPERIOR AVE
SEVENTH FLOOR
CLEVELAND, OH 44114

EXAMINER	
SING, SIMON P	

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 08/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/786,730	HASAN ET AL.	
	Examiner	Art Unit	
	Simon Sing	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 May 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4 and 6-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4 and 6-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1, 2 and 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott et al. US 7,027,567 in view of Kim US 2002/0006782.

1.1 Regarding claim 1, Scott discloses a voice messaging system in figure 1, and teaches:

requesting a voicemail retrieval (status) notification message by a caller (Abstract; column 4, lines 40-49; column 9, lines 44-46);

leaving a voicemail message from the caller to a called party (column 9, lines 38-50);

retrieving the voicemail message by the called party (column 9, lines 51-53);

generating the retrieval notification message by the voice messaging system indicating that the called party has retrieved the voicemail message (column 9, lines 54-56); and

sending the retrieval notification message to the caller (column 9, lines 56-58).

Scott teaches a voice messaging system connecting to a mobile telephone switching office (MTSO) 135 for sending retrieval notification to a cellular user 199 (column 10, lines 23-27), but fails to explicitly teach that the voice messaging system provides voicemail service to the MTSO (wireless communication network).

However, Kim discloses in figure 1 that a voice messaging system 51 is connected to a mobile switching center 50 to provide voicemail service to cellular subscribers, and teaches sending a voicemail retrieval notification acknowledgement message to a calling party, by the voice mail system, indicating that the called party has retrieved the voicemail message (para. 0014, 0050-0053):

Therefore, since both Scott and Kim teach connecting voice message systems to wireless (mobile) networks, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Scott's reference with the teaching of Kim so that the voice messaging system would have also provided voicemail service to the MTSO subscribers. The motivation for this modification was to provide voicemail service to both wired and wireless communications networks.

1.2 regarding claim 2, the modified Scott reference teaches sending the retrieval notification message to the caller at a caller defined format, such as text (Scott: column 4, lines 49-54), and the notification message is a SMS (Kim: para. 0039). It is obvious that the retrieval notification message would have been a SMS.

1.3 Regarding claim 6, Scott teaches prompting the caller regarding the retrieval notification message and sending the retrieval notification message to the caller (column 9, lines 44-58).

1.4 regarding claim 7, Scott teaches setting a triggering event for sending the notification message to the caller (column 7, lines 62-67; column 8, lines 1-7, 25-32).

1.5 Regarding claim 8, it is inherent that a caller ID is stored the header of a voice message.

1.6 Regarding claims 9-11, Scott teaches indicating when a voice message is received, and associating date and time with a voice message disposition events (column 7, lines 18-24), which is obvious that the retrieval notification message includes the date and time information of the voice message left by the caller, and retrieved by the called party, because when a caller requests a retrieval notification, the caller would like to know when a voice message was retrieved by a recipient.

2. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott et al. US 7,027,567 in view of Kim US 2002/0006782 and further in view of Hanson et al. US 6,535,585.

The modified Scott reference teaches sending the retrieval notification to the caller at a caller defined format, such as text (Scott: column 4, lines 49-54), but fails to specifically teach that the notification message is voice message.

However, Hanson discloses an automated voice message system and teaches calling a caller (it is inherent that if the caller is busy, the notification message is routed to and stored in his voice mailbox) to notify him that his voicemail message has been successfully delivered to a called party (column 9, lines 52-57; column 15, lines 36-45; column 17, lines 7-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Scott's reference with the teaching of Hanson so that the retrieval notification message would have been a voice message, because as taught by Scott, the caller specified a media format for the retrieval notification message and sending voice message for the retrieval notification would have been a matter of design choice since the caller was able to designate a telephone as a destination device for receiving the notification message.

3. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scott et al. US 7,027,567 in view of Hanson et al. US 6,535,585.

Scott teaches sending a voice the retrieval notification message to a caller who has left a voice message to a called party (column 9, lines 38-58), wherein the caller defines the notification message's media format and destination address (column 9,

lines 56-60). Scott also teaches sending the notification message to a wireless recipient 199 (figure 1; column 10, lines 22-27). Scott fails to specifically teach that the notification message is voice message.

However, Hanson discloses an automated voice message system and teaches calling a caller to notify him that his voicemail message has been successfully delivered to a called party (column 9, lines 52-57; column 15, lines 36-45; column 17, lines 7-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Scott's reference with the teaching of Hanson so that the retrieval notification message would have been a voice message, because as taught by Scott, the caller specified a media format for the retrieval notification message and sending a voice message for retrieval notification would have been a matter of design choice since the caller was able to designate a telephone as a destination device for receiving the notification message.

4. Claims 13-16 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim US 2002/0006782 in view of Scott et al. US 7,027,567.

4.1 Regarding claim 13, Kim discloses a system for sending a message retrieval notification to a caller who has left a voice message for a called party in a wireless communications network voicemail system (para. 0013 and 0014). Kim teaches:

means (voicemail center 51 and MSC 50 in figure 1) for generating and sending a voicemail retrieval notification acknowledgement message to the calling party indicating that the called party has retrieved a voicemail message (para. 0014, 0051).

Kim fails to teach the retrieval notification is sent to the caller upon a request.

However, Scott discloses a voice messaging system connecting to a mobile switching telephone office (MSTO) in figure 1, and teaches that when a caller is routed to a voicemail system of a called party, the caller is provided an option for requesting a voicemail retrieval (status) notification message (Abstract; column 4, lines 40-49; column 9, lines 44-46), and the notification message is sent to a wireless device 199 (column 10, lines 22-27).

Therefore, since both Kim and Scott teach connecting voice message systems to wireless (mobile) networks, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Kim's reference with the teaching of Scott so that the voice messaging system would have also provided a caller the option for requesting message retrieval notification, because such modification would have clarified why a notification message was sent to a caller and would have reduced system resources for not sending a notification message if not requested.

4.2 Regarding claim 14, Kim's system further comprising:

means (calling party device 10A) for leaving a calling party to a called party voicemail message on the voicemail system (para. 0035-0038 and 0040); and

means (called party's device 10B) for retrieving the voice mail message by the called party (para. 0047-0049).

4.3 Regarding claim 15, the modified Kim's reference, Scott further teaches indicating when a voice message is received, and associating date and time with a voice message disposition events (column 7, lines 18-24), which is obvious that the retrieval notification message includes the date and time information of the voice message left by the caller, and retrieved by the called party, because when a caller requests a retrieval notification, the caller would like to know when a voice message was retrieved by a recipient.

4.4 Regarding claim 16, Kim's system further comprising:

means (voicemail center 51) for sending a SMS to the calling party for voicemail retrieval notification acknowledgement (para. 0044 and 0051).

4.5 Regarding claim 19, the modified Kim reference, teaches sending audio prompts to a caller (Scott: Abstract; column 4, lines 40-49; column 9, lines 44-46).

4.6 Regarding claim 20, the modified Kim reference, teaches sending caller preference for receiving the retrieval notification message (Scott: Abstract; column 4, lines 40-49; column 9, lines 51-58).

4.7 Regarding claim 21, the modified Kim reference, teaches a triggering event for activating the sending of the retrieval notification message (Scott: column 7, lines 62-67; column 8, lines 1-7, 25-32).

5. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim US 2002/0006782 in view of Scott et al. US 7,027,567 and further in view of Hanson et al. US 6,535,585.

The modified Kim reference, teaches that the MSC 50 or Voice Mail Center (VMC) 51 generates and sends a retrieval notification message to a caller when his voice message was retrieved by a called party, but fails to specifically teach that the notification message is voice message.

However, Hanson discloses an automated voice message system and teaches calling a caller to notify him that his voicemail message has been successfully delivered to a called party (column 9, lines 52-57; column 15, lines 36-45; column 17, lines 7-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Kim's reference with the teaching of Hanson so that the retrieval notification message would have been a voice message (or voicemail message since it was generated by a voicemail system, i.e. MSC 50 and VMC 51), because sending a voice message as a retrieval notification message would have been a matter of design choice since in Kim, the caller was using either voice or text media on his phone.

Response to Arguments

6. Applicant's arguments with respect to claims 1-4 and 6-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

S. Sing

07/26/2006

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600